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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,190	11/16/2001	John J. Daniels	14531.71.4.2	7006

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EXAMINER

LEE, Y YOUNG

ART UNIT PAPER NUMBER

2613

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,190

Applicant(s)

DANIELS, JOHN J.

Examiner

Y. Lee

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Intel Intericast Technologies in view of Nakata et al (5,426,534) for the same reasons as set forth in Section 8 of the previous office action, dated 7/24/03.

As stated in previous office actions, Intel Intericast Technologies discloses substantially the same interactive computer system that is configured for displaying television programs, hyperlinks and corresponding data at the interactive television system while the television program is being broadcast. It is noted Intel Intericast Technologies differs from the present invention in that it fails to particularly disclose any VCR functions as specified in claims 1-38. Nakata et al however, in Figures 2-9, teaches the concept of such well known method of pausing the display of a program 16 at a television system so as to enable subsequent viewing of the paused television program in a time-shifted manner.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Intel Intericast Technologies and Nakata et al before him/her, to exploit the common pause function of a television

system as taught by Nakata et al in the interactive television system of Intel Intericast Technologies in order to avoid missing any part of the television program.

3. Claims 1-38 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al in view of Nakata et al (5,426,534) for the same reasons as set forth in Section 9 of the previous office action, dated 7/24/03.

Schein et al, in Figures 1 1-13, 16, and 17, discloses an interactive computer system for providing television schedule information using substantially the same method as specified in claims 1-13, 18-22, and 24-38 of the present invention, comprising the acts of as a television program 732 is being displayed by the interactive television system 600, receiving input 20 selecting a hyperlink 724 that is also displayed by the interactive television system 600; in response to the input 20, accessing data corresponding to the hyperlink 724; pausing the display 410 of the television program 732 in response to the input 462 selecting the hyperlink 724 and in response to obtaining the data corresponding to the hyperlink 724, while the television program is being broadcast, as the data corresponding to the hyperlink 730 is displayed by the interactive television system 600 by recording a signal in which the television program 732 is encoded on a recording medium 520 associated with the interactive television system 600; subsequently resuming the display of the television program 732 by accessing the signal from the recording medium 520 in the sequence in which the signal was recorded on the recording medium 520, such that the television program 732 is displayed at the point at which the television program 732 was paused; displaying the data corresponding to the hyperlink 730 in a first frame on a television (Fig. 12) included

in the interactive television system 600; simultaneously displaying a still image 728 associated with the television program in a second frame on the television; wherein the hyperlink 730 includes a web page address, and wherein the data corresponding to the hyperlink 730 includes a web page, such that the act of accessing the data corresponding to the hyperlink 730 comprises the act of accessing the web page; receiving a resume display command 410; ceasing to display the data corresponding to the hyperlink 730; resuming display of the paused television program 732., receiving a television signal in which the television program 732 and the hyperlink 730 are encoded and the data corresponding to the hyperlink 730; storing the data corresponding to the hyperlink 730 in memory 612 such that the data can be retrieved from memory 612 during the act of accessing the data; displaying the television program 732 on a television included in the interactive television system 600 and simultaneously displaying the hyperlink 730 on the television; and selecting a position on the television at which the hyperlink 730 is displayed based on information included in a signal that is received by the interactive television system 600 and in which the television program 732 is encoded.

Although Schein et al discloses the common VCR 520, it is noted Schein et al differs from the present invention in that it fails to particularly disclose any buttons and their associated functions on either the remote control 410 or the VCR 520 to be used to pause the television program being displayed at the television system (Fig. 1). Nakata et al however, in Figures 2-9, teaches the concept of such well known method of

pausing the display of a program 16 for a television system so as to enable subsequent viewing of the paused television program in a time-shifted manner.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Schein et al and Nakata et al before him/her, to exploit the common pause function of a television system as taught by Nakata et al in the VCR 430 of Schein et al in order to avoid missing any part of the television program.

Response to Arguments

Applicant's arguments filed 3/22/05 have been fully considered but they are not persuasive. Regarding applicant's argument on pages 13-15 of the Remarks that neither Intel Intericast Technologies or Schein et al nor Nakata et al discloses the means to broadcast a television program, it was clearly stated in the previous office action that both Intel Intericast Technologies and Schein et al discloses all these means. It is true that Nakata et al does not disclose any details of TV broadcast as that claimed by the Applicant. However, examiner does not rely on Nakata et al to teach such capabilities because they are already disclosed in both Intel Intericast Technologies and Schein et al. Nakata et al merely provides the motivation that it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both references of Intel Intericast Technologies and Nakata et al or Schein et al and Nakata et al before him/her, to modify the interactive television system of Intel Intericast Technologies or Schein et al to be upgraded as a time-shifted viewing apparatus by simply utilizing a VCR to record the live broadcast to include the same selection means and subsequent


viewing equipment as specified in claims 1-38. With an upgraded interactive television system, one of ordinary skill in the art would have had no difficulty in applying subsequent viewing processing such as pausing, resuming, and replaying the recorded images from the memory means (e.g. 520 of Schein et al) by the controller, as illustrated in Figures 1 and 7 of Schein et al, since program retrieval is a necessary and well known technique for any recording system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334. The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Y. Lee
Primary Examiner
Art Unit 2613